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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,833	04/13/2001	Ramaprakash H. Sathyanarayan	M-9213 US	4294

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EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,833

Applicant(s)

SATHYANARAYAN,
RAMAPRAKASH H.

Examiner

Isaac M Woo

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 29-39 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 29-39 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Amendments, filed on October 06, 2003, were restricted. Applicant elected Group I, claims 1-19, 29-39 and 43 requested for examining, filed on January 28, 2004. And Group II (claims 20-21), Group III (claims 22-23) and Group IV (claims 24-28 and 41-42) are canceled.
2. This action is response to Applicant's Election of Group I, (claims 1-19, 29-39 and 43), has been considered but is deemed moot in view of new ground of rejections below.
3. The applicant amended claims 1-5, 19 are 29-30 and added new claims 34-39 and 43 in paper number 12. The pending claims are 1-19, 29-39 and 43.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10, 12-19, 29-31, 33-39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al (U.S. Patent No. 6,473,767, hereinafter, "Bailey").

With respect to claims 1, 29 and 43, Bailey discloses, if the item to be copied is directory, spawning a new process, see (col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31, col. 2, lines 41-67 to col. 3, lines 1-50, note; to copy directories, the system does ADD, CREATE, DELETE, MOVE, etc., process, which are spawning new process); and if the item is a file, copy the file, see (col. 4, lines 52-67, col. 2, lines 41-67 to col. 3, lines 1-50); Bailey discloses spawning a new process, see (col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31, col. 2, lines 41-67 to col. 3, lines 1-50). Bailey does not explicitly disclose if spawned executes simultaneously or contemporaneously with a current process that performs the spawning. However, Bailey discloses driver 17 and driver 18 do file copying and directory copying at the same time, see (fig. 1, col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31). And the simultaneous process can be done by multitasking. The definition of multitasking is technique used in an operating system for sharing a single processor between several independent jobs. The first multitasking operating systems were designed in the early 1960s. And Under "cooperative multitasking" the running task decides when to give up the CPU and under "pre-emptive multitasking" (probably more common) a system process called the "scheduler" suspends the currently running task after it has run for a fixed period known as a "time-slice". In both cases the scheduler is responsible for selecting the next task

to run and (re)starting it. This teaches that the normal operating system can do new simultaneous process with other processing. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include if spawned executes simultaneously or contemporaneously with a current process that performs the spawning in the system of the Bailey. Because multitasking (simultaneous process) operating system provides reducing the worst-case time from job submission to completion compared with a simple batch system where each job must finish before the next one starts. Multitasking also means that while one task is waiting for some external event, the CPU to do useful work on other tasks.

With respect to claims 2 and 3, Bailey discloses, the process performing the act of creating or copying with another item (file) in the directory and repeating the act of creating or copying with another item, see (col.7, lines 53-67 to col. 8, lines 1-8).

With respect to claims 4-5 and 31, Bailey discloses, the comparing a current number of process started for copying with a limit, waiting if the current number is greater than or equal to the limit, increasing from a default limit on a resource to a maximum limit for the resource, see (col. 1, lines 61-67 to col. 2, lines 1-6, col. 4, lines 16-45, col. 11, lines 3-6).

With respect to claims 6-10, Bailey discloses, the resource is number of open file, file size and memory that is organized as heap and stack, see (col. 7, lines 31-67 to col. 8, lines 1-65).

With respect to claims 12 and 33, Bailey discloses the checking if the file is a link to itself, and performing the copying only if the file is not a link to itself, see (col. 7, lines 31-67 to col. 8, lines 1-65, the system checks any available files, and then only available files are transferred for copying).

With respect to claims 13-18 and 30, Bailey discloses, string comparison operation, sending an email message if a resource at a destination is full, waiting to be restarted subsequent to sending the email message, sending a signal to self to suspend execution, recopying the file from beginning, on being restarted and identifying an email address from a password file based on an identity of a user that started the process of performing the creating or copying, see (col. 7, lines 31-67 to col. 8, lines 1-65, Note: email messages system are used for file transferring processing).

With respect to claim 19, Bailey discloses that the creating is performed only if the directory is not a current directory and not a parent directory, see (col. 7, lines 31-67 to col. 8, lines 1-65, Note: email messages system are used for file transferring).

With respect to claims 34-36, Bailey discloses, process started with an instruction to perform for each item in the directory, the process executes in parallel with any new process spawned corresponds to the number of the directories to be copied, see (col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31, col. 2, lines 41-67 to col. 3, lines 1-50).

With respect to claims 37-38, Bailey discloses, the item is from a list of the items to be copied; repeating the act of the spawning or copying with another item from the list, see (col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31, col. 2, lines 41-67 to col. 3, lines 1-50).

With respect to claim 39, Bailey discloses, the file is copied to multiple destinations if specified by the user, see (fig. 1, col. 5, lines 58-67 to col. 6, lines 1-67 to col. 7, lines 1-31, col. 2, lines 41-67 to col. 3, lines 1-50).

6. Claims 11 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey et al (U.S. Patent No. 6,437,767, hereinafter, "Bailey") in view of Crouse et al (U.S. Patent No. 5,764,972).

With respect to claims 11 and 32, Bailey does not disclose the limitations of transferring data to buffer using temporary buffer and direct memory access processing. However, Crouse disclose, transferring data from the file into a temporary buffer (col. 5,

lines 43-64) and the definition of buffer is a temporary data storage that is like cache between main data storage the locking the temporary buffer), locking the temporary buffer, see (442, FIG. 16c, FIG. 16d, col. 26, lines 23-65); and invoking a direct memory access (DMA) process for making a copy from the temporary buffer, see (466, FIG. 16c, FIG. 16d, col. 26, lines 23-65). Therefore, it would have been obvious to a person having ordinary skill in the art at the time invention was made to combine transferring data to buffer using temporary buffer and direct memory access processing of the system of Crouse with the system of Bailey. Because the buffer with unlocking and locking buffer provides temporary data storage, which can reduce data traffic for data transferring or data copying, and direct memory access (DMA) process is used for data writing (copying) on memory.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

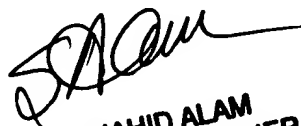
Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
March 31, 2004


SHAHID ALAM
PRIMARY EXAMINER